BILL NO. G-93-08-06

GENERAL ORDINANCE NO. G- 13-94

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS. said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-4-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public alley within the City of Fort Wayne, more specifically described as follows, to-wit:

The first alley West of Fairfield Avenue from the South property line of Nuttman Avenue to the North property line of the first alley South of Nuttman Avenue; immediately adjacent to and West of Lots 1, 2 and 3 and immediately adjacent to and East of Lot 4 in Josephine M. Zimmerman's Addition Subdivision of part Ewing's Out Lot No. 2 in the City of Fort Wayne, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

That this Ordinance shall be in full force SECTION 2. and effect from and after its passage, any and all necessary approval by the Mayor.

COUNCILMEMBER

evene

Clock

APPROVED AS TO FORM AND LEGALITY:

with J. TIMOTHY MCCAULAY, CITY ATTORNEY

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** Public hear	ing to be held on	 
the	day of	 1993,
in the Council	Chambers.	

Sandra E. Kennedy, City Clerk

Read the first that and duly adopted reactions committee on	ad the second ti	me by title and	the City Pla	an Commission
for recommendation) a	and Public Heari ouncil Conferenc	nd to be below	y-County Bui	lding, Fort
Wayne, Indiana, on_	, 19	, at		o'clock
M.,E.S.T.		Λ,	J. E. Ken	medy-
DATED: 8-/	0-93	Jane		EBK
		SANDRA E. KENN	EDI CIII CI	ō
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HENRY				
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LUNSEY				
RAVINE				
SCHMIDT				
TALARICO			0 1)	
DATED: 3-	8-94.	SANDRA E. KEN	NEDY, CITY C	
Passed and ado	oted by the Comm	on Council of t	he City of F	ort Wayne,
Indiana, as (ANNE	XATION)	(APPROPRIATION		
(SPECIAL)	(ZONING) ORDI	NANCE RESOL	UTION_NO.	J-02-17.
on the	day of	march	, 19	· ·
ATT	EST:	(SEAL)	( C )	
1. 1. 1. 8	Kennedy -	(SEAL)	1. John	nidu
SANDRA E. KENNEDY,	CITY CLERK	PRESIDING OF		
Presented by m	ne to the Mayor	of the City of E	Fort Wayne, I	Indiana, on
the 9th	day of	March	,	
at the hour of	11:30	clock 4.	_,M., E.S.T.	
•		Danka	JE. Ken	med.
		SANDRA E. KEI	NNEDY, CITY	CLERK
Approved and s	signed by me thi	slohday	of March	
19 <b>99</b> , at the ho	our of 8:00	o'clock	M., E.S.T	
		\_ '	ILL.	
		PAUL HELMKE,	MAYOR	

## RECEIPT

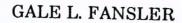
Nº 14877

COMMUNITY & ECONOMIC DEVELOPMENT
FT. WAYNE, IN., 19 19 19 19 19 19 19 19 19 19 19 19 19
RECEIVED FROM William Common \$100
THE SUM OF JUNATED THE SUM OF JUNATED THE SUM OF JUNATED THE DOLLARS
ON ACCOUNT OF_ Western
PAID BY: CASH CHECK M.O. C

Date Filed:
Vacation Petition
X/We William R. Cummins and Kristeen L. Cummins, husband and wife (Applicant's Name or Names)
PETITION TO VACATE Alley (Street, Alley, Utility Easement, Plat,
Other)
TO: THE CITY PLAN COMMISSION CITY OF FORT WAYNE, INDIANA
The undersigned petitioner(s), do (xdxes) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Alley with the City of Fort
Wayne, Indiana, and hereby described as follows:
The first alley West of Fairfield Avenue from the South property line of
Nuttman Avenue to the North property line of the first alley South of Nuttman
Avenue immediately adjacent to and West of Lots 1, 2 and 3 and immediately
adjacent to and East of Lot 4 in Josephine M. Zimmerman's Addition Subdivision (Legal Description of property being vacated) If additional space is needed use reverse side.)
<pre>In support thereof, your petitioner(s) would represent as follows:</pre>
(List reasons for requesting vacation.)
1) That they are the only owners of real estate bordering both sides of the alley
2) That the alley is not necessary as ingress or egress to other properties.
3) That said alley is unopened and unimproved.
4) That no person, firm, or corporation is interested in or affected by the
requested vacation.
(If additional space is needed use reverse side.)
Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance, in order to complete the vacation as described.
WHEREFORE, your petitioner(s) pray that the above described Alley be vacated according to the provisions
of the Indiana Law pertaining thereto.
DATED THIS 12th DAY OF July 19 93
William R. Cummins Kristeen L. Cummins
Adjacent Property Owner Typed Name  Adjacent Property Owner Typed Name
3504 Fairfield Avenue 46807 3504 Fairfield Avenue 46807 Address Zip Address Zip
Signature Signature × Krusteen L. Cummuns

thoched guryou	
attached survey).	
dditional Reasons for Vacation Request:	
5) That the maintenance of said alley is not necessar	ry or advantageous to
the growth of the City of Fort Wayne, and that it wou	ld be to the best
interest of the City and the citizens thereof.	
interest of the City and the Citizens thereor.	
Owners of Adjacent Property:	
Adjacent Property Address/Zip	Signature
Owners TYPED Name	
NOTICE:	
FILING OF THIS APPLICATION GRANTS THE PERMISSION TO POST "OFFICIAL NOTICE" ON THE	CITY OF FORT WAY
FAILURE TO POST, OR TO MAINTAIN POSTING CA	W BEAFAL THE BORD
This form is to be filed in duplicate.	
XEYNIK ATTORNEY:	3
William D. Swift	
Name	
803 South Calhoun Street, Suite 500	
Street Address	
Street Address  Fort Wayne, Indiana 46802	

## SURVEYOR'S CERTIFICATE





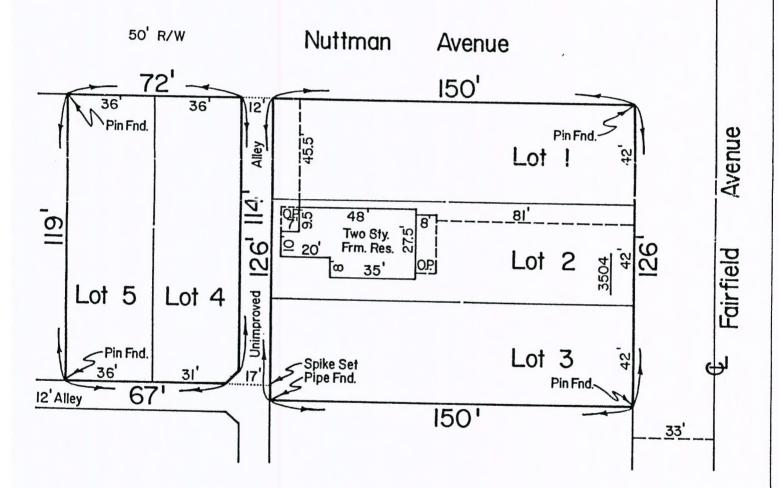
## REGISTERED LAND SURVEYOR NO. S-0532 INDIANA

5408 ARCHWOOD LANE FORT WAYNE, INDIANA 46825 219-484-2468

The undersigned Land Surveyor, registered under the laws of the State of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below.

Measurements were made and corners perpetuated, as shown hereon, in conformity with the records in the Office of the Recorder of Allen \_\_\_\_\_County, Indiana. Improvements as shown have been located to demonstrate compliance with building restrictions imposed by ordinance and/or plat and not to establish additional improvements. Encroachments or discrepancies found on said real estate are shown below.

Lots 1, 2, 3, 4, 5 Josephine M. Zimmerman's Addition, Subdivision of part Ewing's Out Lot No. 2 in the City of Fort Wayne.



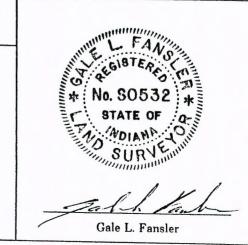
Subject real estate lies in a Zone "C" area as defined by FEMA-FIRM.

Subject real estate\_\_\_\_\_\_lie in a flood hazard area as defined by the Department of HUD-FIA Flood Hazard Boundary Maps.

For: Lugiewicz - Cummins

Scale: 1" = 40'

Date: August 7, 1985



#### RESOLUTION

WHEREAS, WILLIAM R and KRISTEEN L CUMMINS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The first alley West of Fairfield Avenue from the South property line of Nuttman Avenue to the North property line of the first alley South of Nuttman Avenue; immediately adjacent to and West of Lots 1, 2 and 3 and immediately adjacent to and East of Lot 4 in Josephine M. Zimmerman's Addition Subdivision of part Ewing's Out Lot No. 2 in the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on August 16, 1993 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
, SS:
COUNTY OF ALLEN )

I, <u>Carol Kettler Sharp</u>, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held,

<u>August 23, 1993</u> and as the same appears of record

in the official records of said Plan Commission.

FORT MAYNE KILL FLAN COMMISSION

Carol Kettler Sharp

Secretary

#### RESOLUTION 81-28-8

WHEREAS, WILLIAM R and KRISTEEN L CUMMINS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The first alley West of Fairfield Avenue from the South property line of Nuttman Avenue to the North property line of the first alley South of Nuttman Avenue; immediately adjacent to and West of Lots 1, 2 and 3 and immediately adjacent to and East of Lot 4 in Josephine M. Zimmerman's Addition Subdivision of part Ewing's Out Lot No. 2 in the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
OS:

I, CHARLES E LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held and as same appears of record in the official records of the Board of Public Works.

	of Table Works.	
	DATED THIS 9 DAY OF FEBRUARY 1994	
	FORT WAYNE BOARD OF PUBLIC WORKS	
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k.		
	Charles E. Layton	
	Director of Public Works	
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Katherine A. Carrier
Member Board of Publi

Member, Board of Public Works

C. James Owen
Member, Board of Public Works

### TORIGINAL.

#### DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance
DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED
SYNOPSIS OF ORDINANCE The first alley west of Fairfield Avenue
from the south property line of Nuttman Avenue to the north
property line of the first alley south of Nuttman Avenue;
immediately adjacent to and west of Lots 1, 2 and 3 and
immediately adjacent to and east of Lot 4 in Josephine M.
Zimmerman's Addition Subdivision of part Ewing's Out Lot No. 2
in the City of Fort Wayne, Indiana.
in the City of Fort Wayne, Indiana.  J-93-08-06
EFFECT OF PASSAGE Property is currently dedicated right-of-way.
Property will be vacated and revert to the adjacent property
owners.
EFFECT OF NON-PASSAGE Property will remain dedicated right-of-
way.
MONEY INVOLVED (Direct Costs, Expenditures, Savings)
(ASSIGN TO COMMITTEE)

## FACT SHEET

G-93-08-06

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE
Alley Vacation Ordinance

APPROVAL DEADLINE REASON

DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address	Sponsor	- I
The first north-south alley west of		City Dian Commission
Fairfield, and south of Nuttman Avenue.		City Plan Commission
	Area Affected	City Wide
Reason for Project		-
Petitioners wish to expand their home.		Other Areas
	-	
	, .	
	Applicants/ Proponents	Applicant(s) Wm R & Kristeen L Cummins
	-	City Department
		Other
Discussion (Including relationship to other Council actions)	Opponents	Groups or Individuals
16 August 1993 - Public Hearing	Орронана	Groups of individuals
William Swift, attorney for the petitioners William and Kristeen Cummins, appeared before the Commission. Mr. Swift stated that the petitioners would like to vacate the alley for the purpose of being able to construct a garage on the rear two lots		Basis of Opposition
that are separated presently by the alley right-of-way. He stated that the alley is	Staff Recommendation	X For Against
an unimproved alley that had never been opened. He stated that they are willing to agree to give easement to any utilities that requires one.		Reason Against
There was no one else who spoke in favor of		
or in opposition to the proposed vacation.	Board or Commission Recommendation	Ву
23 August 1993 - Business Meeting	- HOWER HOLINGTINE	
Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner providing utility easements or	`.	For with revisions to conditions (See Details column for conditions)
relocations as needed.	CITY COUNCIL ACTIONS	Pass Other Pass (as Hold
	(For Council use only)	amended)

		-
ıΛ	IL	•

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

POLICY / PROGE	RAM IMPACT	
Policy or Program Change	No Yes	
·		
Operational Impact Assessment		
ASSESSMENT		

(This space for further discussion)

Project St	art

Date 13 July 1993

Projected Completion or Occupancy

Date 7 February 1994

Fact Sheet Prepared by

Date 7 February 1994

Patricia Biancaniello

Date 18 February 1994

Reviewed by

Reference or Case Number

## From the desk of: Pat Biancaniello

AGENT:

William Swift 803 S Calhoun St Ste 500 Fort Wayne IN 46802

Phone: 423-4422



#### THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 23, 1994

Ms. Connie Lambert Fort Wayne Newspapers, Inc. 600 West Main Street Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of February 26, 1994, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council of Fort Wayne, IN

Bill No. G-93-11-08 Alley Vacation Ordinance

Bill No. G-93-08-06 Alley Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours, Denlew E. Kenned

Sandra E. Kennedy

City Clerk

SEK/ne ENCL: 2



#### THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

February 23, 1994

William Swift 803 S Calhoun Street Suite 500 Fort Wayne, IN 46802

NOTICE OF PUBLIC HEARING ON BILL G-93-08-06

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, March 8, 1994, at 5:30 P.M., E.S.T. in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, IN, on the following:

> the first north-south alley west of Fairfield and south of Nuttman Avenue - Petitioners wish to expand their home

All interested parties are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

> YNE COMMON COUNCIL FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy

City Clerk

SEK/ne

NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (BILL NO. G-93-08-06)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, March 8, 1994, at 5:30 P.M.,(EST), in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

The first alley West of Fairfield Avenue from the South property line of Nuttman Avenue to the North property line of the first alley South of Nuttman Avenue; immediately adjacent to and West of Lots 1, 2 and 3 and immediately adjacent to and East of Lot 4 in Josephine M. Zimmerman's Addition Subdivision of part Ewing's Out Lot No. 2 in the City of Fort Wayne, Indiana.

All interested parties are invited to appear and be heard.

Denles E. Kennedy

Sandra E. Kennedy

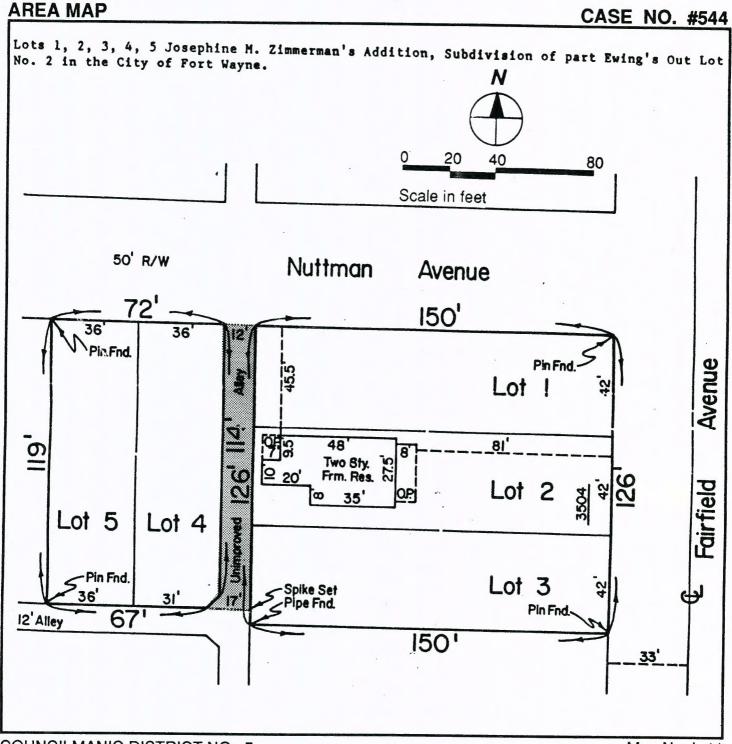
City Clerk

# REPORT OF THE COMMITTEE ON REGULATIONS REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR DONALD J. SCHMIDT JANET G. BRADURY

WE, YOUR COMMITTE	EE ON REGULAT	CIONS	TO WHOM WA
REFERRED AN (ORDI Plan of the City thereof	NANCE) (REXX Comprehensive ("	Master") Plan by vac	g the Thoroughfar ating an alley
HAVE HAD SAID (OR	DINANCE) (RE	SOLLENDO UNDER	CONSIDERATION
AND BEG LEAVE TO (ORDINANCE) (R	REPORT BACK TO	THE COMMON COUNC	IL THAT SAID
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anet I. Bradber	ry		
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DATED: 3-8-94.

## **VACATION PETITION**



COUNCILMANIC DISTRICT NO. 5

Map No. L-11 LW 7-19-93

R1 One-Family R2 Two-Family R3 Multi-Family RA/RB Residential PUD Planned Un	ly B2 Planned Shopping Cer ily B3 General Business Il B4 Roadside Business	M3 Heavy Industrial MHP Mobile Home Park
--	--	--

Form Prescribed by State Board of Accounts  FW Common Council		General Form No. 99P (Revised 1 The Journal-Gazette		
(Governmental Unit)		To: P.O. Box 100		
	AT I DAY		F.O. Box 100 Fort Wayne, IN	
ALLEN	County, Indiana	Fort wayne, 1	IN	
	PIIRI I	SHER'S CLAIM		
	T CBEI	SHER'S CLAIM		
LINE COUNT				
Display Matter (Must no more than four solid lines number of equivalent l	t exceed two actual lines, nei s of type in which the body o ines	ither of which shall total f the advertisement is set)		
Head number of lines				
Body number of lines				
Tail number of lines				
ran number of fines				
Total number of lines in 1	notice			
COMPUTATION OF CHAI	RGES			
at .33 cents per line	columns wide equals24	equivalent lines	\$ 7.92	
			Ψ	
(50 percent of above amou	ices containing rule or tabula unt)	ir work		
Charge for extra proofs of	publication (\$1.00 for each )	proof in excess of two)	1.00	
TOTAL AMOUNT OF C	LAIM		e 8.92	
	27.11171		Ψ	
DATA FOR COMPUTING (	COST			
Width of single column _1	2.5 ems			
Number of insertions				
Size of type6 point				
Pursuant to the provision	s and penalties of Chapter 15	55, Acts 1953,		
I hereby certify that the	foregoing account is just and	correct, that the amount	^	
same has been paid.	ter allowing all just credits	, and that no part of the	Millerinh	
		- Chuly X	SUMMU	
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Date: Feb 26	. 19			
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Date: Feb 26	PUBLISHI State of Indiana)			
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Date:	PUBLISHE State of Indiana ) ) ss: Allen County )	ER'S AFFIDAVIT	said county and state the	
Date:	PUBLISHE State of Indiana ) ) ss: Allen County  Personally appeared before	re me, a notary public in and for s	said county and state, the	
NOTICE OF PUBLIC HEARING FORT WAYNE COMMON COUNCIL (BILL NO. G-93-08-06) s hereby given that the Fort Wayne Common of the City of Fort Wayne, will conduct a earing on Tuesday, March 8, 1994, at 5:30 EST), in the Common Council Conference 28, City-County Building, One Main Street, yne, Indiana, more particularly described as	PUBLISHE  State of Indiana )	re me, a notary public in and for stillenwater who, being o	illy sworn, says that he/	
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